

## FIFTH DAY—TUESDAY, JANUARY 19, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Denton	Jones, G.	Price
Adams	Doran	Jungmichel	Reed
Agnich	Doyle	Kaster	Rosson
Allen, Joe	Dramberger	Kilpatrick	Salem
Allen, John	Earthman	Kost	Salter
Allred	Farenthold	Kubiak	Sanchez
Angly	Finck	Lee	Santiesteban
Atwell	Finnell	Lemmon	Schulle
Baker	Finney	Lewis	Semos
Bass, B.	Floyd	Lombardino	Shannon
Bass, T.	Foreman	Longoria	Sherman
Beckham	Gammage	Lovell	Short
Bigham	Garcia	McAlister	Silber
Blanton	Golman	McKissack	Simmons
Blythe	Grant	Mengden	Slack
Bowers	Graves	Moncrief	Slider
Boyle	Hale	Moore, A.	Smith
Braecklein	Hanna, Joe	Moore, G.	Solomon
Braun	Hannah, John	Moore, T.	Spurlock
Burgess	Harding	Moreno	Stewart
Bynum	Harris	Murray	Stroud
Caldwell	Hawkins	Nabers	Swanson
Calhoun	Hawn	Nelms	Tarbox
Carrillo	Haynes	Neugent, D.	Traeger
Cates	Head	Newton	Truan
Cavness	Heatly	Nichols	Tupper
Christian	Hendricks	Niland	Uher
Clark	Hilliard	Nugent, J.	Vale
Clayton	Holmes, T.	Ogg	Von Dohlen
Coats	Holmes, Z.	Orr	Ward
Cobb	Howard	Parker, C.	Wayne
Cole	Hubenak	Parker, W.	Wieting
Craddick	Hull	Patterson	Williams
Cruz	Ingram	Pickens	Williamson
Daniel	Johnson	Poerner	Wolff
Davis, D.	Jones, D.	Poff	Wyatt
Davis, H.	Jones, E.	Presnal	

## Absent-Excused

Atwood	Ligarde	Rodriguez
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A quorum of the House was announced present.

The Invocation was offered by the Reverend Gary Montgomery, Pastor of the DeSoto Church of Christ, DeSoto, Texas, as follows:

"O eternal and divine God, it is before Thee, our glorious Creator, that we humbly present ourselves at this moment of concerted respon-

sibility. We truly acknowledge Thee as the Almighty Ruler and Legislator for all mankind and beseech Thee that an ever-increasing measure of Thy guidance and blessings will endow the Honorable Speaker, Gus Mutscher, and this distinguished Body of public servants. As the voices of the people of this great state, may they be richly endowed with a special understanding of the divine laws in their dedicated course of deliberation in establishing the laws and precepts of this great state. Father, we pray that Thou wouldst grant them the 'Serenity to accept the things they cannot change; Courage to change the things they can, and the Wisdom to know the difference.'

To Thee, our God, we offer our petition in the exalted name of Thy Son, Jesus, the Christ. Amen."

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Ligarde on motion of Mr. Santiesteban.

Mr. Rodriguez on motion of Mr. Graves.

The following Member was granted leave of absence for today on account of illness:

Mr. Atwood on motion of Mr. Longoria.

#### MESSAGE FROM THE SENATE

Austin, Texas, January 18, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 8, By Delwin Jones: Inviting Governor Preston Smith to address a Joint Session of the Legislature on January 20, 1971.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled resolution:

HCR 4, Providing for Joint Committees to canvass votes and to make Inaugural arrangements.

(Mr. Finnell in the Chair)

#### MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HCR 9, by McKissack: In memory of J. Harlan Ray.

PRESENTATION TO SPEAKER G. F. (GUS) MUTSCHER

The Chair recognized the Honorable Henry Sanchez who addressed the House commending Speaker Mutscher for his appointment of the Committee on Texas-Mexico Friendship and presented Speaker Mutscher with a gavel representing the Mexican eagle.

Speaker Mutscher addressed the House briefly expressing appreciation for the gavel.

(Speaker in the Chair)

PROVIDING FOR RECESS AND ADJOURNMENT

Mr. Shannon moved that the House stand recessed until 12:00 noon and reconvene at the south door of the Capitol for the purpose of inaugurating the Governor and Lieutenant Governor and upon completion of the Inaugural ceremonies, the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:26 a.m., recessed until 12:00 noon today.

INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR

(The House of Representatives and the Senate in Joint Session)

At 12:00 noon today, the Members of the House convened at the south entrance of the Capitol and joined the Senate in a Joint Session for the purpose of inaugurating the Governor-elect, the Honorable Preston Smith, and the Lieutenant Governor-elect, the Honorable Ben Barnes; arrangements having been made at the south entrance of the Capitol for the holding of the Inaugural ceremonies.

The Honorable Preston Smith, the Governor-elect, and Mrs. Smith; the Honorable Ben Barnes, the Lieutenant Governor-elect, Amy Barnes and Gregg Barnes, daughter and son of the Honorable Ben Barnes; Mr. and Mrs. Michael Smith, son and daughter-in-law of the Honorable Preston Smith and Mrs. Smith; Mr. and Mrs. Conrad Schmid, daughter and son-in-law of the Honorable Preston Smith and Mrs. Smith; Senator Jack Hightower, President Pro Tempore of the Senate, and Mrs. Hightower; the Honorable G. F. (Gus) Mutscher, Speaker of the House of Representatives, and Mrs. Mutscher; Mr. Robert E. Johnson, Parliamentarian of the House; Senator Charles Herring and Mrs. Herring; the Honorable Don Cavness and Mrs. Cavness; Chief Justice Robert Calvert and Mrs. Calvert; General Ross Ayers, Adjutant General of Texas, and Mrs. Ayers; Bishop Alsie Carleton; and Dr. Robert S. Tate, Jr., and Mrs. Tate, were escorted to seats arranged for them on the platform.

Other distinguished guests were escorted to seats reserved for them.

The Ross Volunteers of Texas A&M University formed the Honor Guard.

The National Anthem was played by the Texas Tech University Band.

At 12:00 noon, Senator Jack Hightower, President Pro Tempore of the Senate, called the Senate to order and announced that a quorum of the Senate was present.

Speaker G. F. (Gus) Mutscher called the House of Representatives to order and announced that a quorum of the House of Representatives was present.

The Speaker of the House, the Honorable G. F. (Gus) Mutscher, stated that the House and the Senate were in Joint Session for the purpose of inaugurating the Governor and the Lieutenant Governor.

Speaker Mutscher then presented Bishop Alsie H. Carleton, Bishop of the United Methodist Church for the Northwest Texas-New Mexico Area, who offered the Invocation.

Speaker Mutscher stated that the Oath of Office will now be administered to the Lieutenant Governor-elect, the Honorable Ben Barnes, by the Chief Justice of the Supreme Court of Texas, Mr. Justice Robert W. Calvert.

The Honorable Ben Barnes then took the Constitutional Oath of Office as Lieutenant Governor of the State of Texas.

Speaker Mutscher presented Senator Jack Hightower, President Pro Tempore of the Senate, who introduced Lieutenant Governor Ben Barnes to the Joint Session and the Assemblage.

Lieutenant Governor Barnes then addressed the Joint Session and the Assemblage, speaking as follows:

The oath I have taken is, to me, a sacred pledge to honor the public trust it bestows upon me.

This I shall do to the utmost of my ability.

In carrying out the responsibilities of Lieutenant Governor, I shall seek in every way the fulfillment of the true destiny of Texas and its people.

I believe there is great hope in this destiny:

—hope for untold wealth and a better way of life for us all;

—hope for excellence in our schools and diversity in our people;

—hope for the development of great centers of commerce and culture, unequalled in the history of civilization.

For it is within our power to regulate the process of change. As Texas transforms from its fabled yesterdays to its promising tomorrows, we who live and work today have tremendous opportunities to shape this destiny with our hands and minds.

But there is tyranny in modern civilization as well as promise.

There is a tyranny of ugliness . . . of pollution . . . of the loss of individual identity . . . of the waste of human resources . . . of government ineptitude and financial paralysis.

This also can be our destiny.

The warning signs are everywhere.

There are days when smog covers our major cities and oil blackens our sandy beaches. Where there were rolling hills and open spaces, there is urban sprawl and traffic jams. The citizens of even our smallest communities have taken to bolting their doors at night against the fear of crime.

And despite the enormous wealth we possess—in industry and agriculture and natural resources—we have more people living in poverty than does any other state.

So our future depends upon how well we read these warning signs . . . how well we study the lessons of the past and the experience of less fortunate states which are snarled in the by-products of civilization.

If there is one truth that should dictate our course, it is the knowledge that we cannot allow blind chance to determine our future.

We must control civilization and make it work for us. We must be its masters rather than its slaves.

For a hundred and fifty years, Texas has grown and prospered because of our wealth, our size and our human spirit.

But if we are to continue to be great, we must establish the priorities for greatness.

Old priorities may not be good enough.

Old ways of patching up our problems may not suffice any longer.

Old attitudes toward the way we run the people's business may not be pertinent to modern Texas.

Old prejudices and barriers in human relations may be badly out of date and best forgotten.

In 1776, Americans declared their freedom and began the noble experiment under which we still live.

In 1876, the Constitution of Texas was adopted.

So in 1976, we will have two anniversaries of special significance, and there could be no better target date for completing the task of reforming the Texas Constitution to bring it more in tune with the urban challenge of the 1970's than the frontier challenge of a hundred years ago.

And if we can beat the deadline—as surely we must try—then Texas will be all the better for it.

Some of our other priorities are crowding us so closely that decisions cannot wait beyond the termination of this Sixty-second Legislature.

Ours will be the task in these coming months to continue the progress we have made in education and vocational training, in law enforcement, in mental health and mental retardation, in good roads, water development, pollution control and all of the other vital services of a dynamic state government.

It is unthinkable to me that Texas would sacrifice this progress on the altar of false disaster.

We're not talking about abstract theories when we talk about welfare. We are talking about people . . . old people who can barely subsist on their pensions and young children who are at the total mercy of their fellow Texans. No matter who created the mess in welfare—and that is exactly what it is—this Legislature must perform the unpleasant and costly work of correcting its faults as best we can.

Economy in government is a first responsibility of elected officials. Hand in hand with economy goes a balanced budget—legislating wisely for the public services required of a growing state.

It is incumbent on all of us, then—whether we hold public office or urge our views upon public officials—to search our hearts and determine what is priority and what is pork barrel . . . what must be done now and what can wait.

And we must join together in creating new sources of revenue that will provide essential services that we need.

I believe it can be done. I believe we can do it with the 140 days of the regular session.

My fellow Texans, I would be the last to underestimate the immense problems of this state. I recognize that there will be division and bitterness as we strive for solutions, because we are a free people with divergent views.

But on this day of beginning anew the governmental authority of our state, I urge that we who have been given public responsibility set a pace that will complete the work of the Legislature in the prescribed time of a regular session.

I urge that we search for areas of agreement and cooperation, because I submit that this is what our ultimate employers, the people of Texas, want us to do.

If we fail, it should not be because we did not try.

It will take the highest degree of leadership and statesmanship to meet the demands of responsible government. As Lieutenant Governor and as a Texan who believes in the strength and vitality of this state, I promise to do my best to serve in a manner that will reflect honor upon the office I hold and the people it represents.

At the conclusion of the Lieutenant Governor's address, the Honorable G. F. (Gus) Mutscher, Speaker of the House of Representatives, stated that the Oath of Office would now be administered to the Honorable Preston Smith, Governor-elect of the State of Texas.

The Governor-elect, the Honorable Preston Smith, then took the Constitutional Oath of Office as Governor of the State of Texas, the Oath being duly administered by Mr. Justice Robert W. Calvert.

Speaker Mutscher then introduced His Excellency, the Governor of Texas, the Honorable Preston Smith, to the Joint Session and the Assemblage.

Governor Smith then addressed the Joint Session and the Assemblage, speaking as follows:

Chief Justice Calvert, Lieutenant Governor Barnes, Speaker Mutscher, Members of the Texas House and Senate, other Distinguished Public Officials, Members of the Clergy, my fellow Texans, Honored Guests:

Two years ago, I stood before the people of Texas on these Capitol steps and said that the Governor of Texas must rely upon the people for his strength and for his inspiration.

Two years ago, I said that I had a powerful faith in the people of Texas—in their good intentions, in their good will, in their integrity and in their courage. Standing before you today with as much humility and dedication as at any moment in my life, I say to you, that the people of Texas have not disappointed me.

My faith is renewed and my hopes are enlarged. My pledge and my prayer that I have not failed, and will not fail, the people of Texas continues unabated. As we embark together on another term—the first in a decade which may yet prove to be the period in which our nation turns again onto the path toward greatness, with peace—I offer you the wisdom and the pledge of Abraham Lincoln as my own. He said:

"I shall try to correct the errors where shown to be errors, and I shall adopt new views as fast as they appear to be true views."

There is a vague awareness abroad in our land today—faint, yet clearly discernable—that Americans are changing step. It is almost the first few waking moments after a terrible nightmare—a restless sleep, one rent with the horrors of rioting, looting, assassination, hate, fear and distrust. We are stunned by the memory of that dreadful sleep. Yet, with our eyes now fully open, we see the winds of contention beginning to calm.

The turbulent seas we sailed throughout the 1960's are quieting. The 1970's once again hold promise, not bewilderment and despair, for the peoples of the greatest nation on earth. This does not mean that we are sailing into safe harbors of the past. The past is closed forever. But, the future opens wide before us.

To say simply that the nation is returning to its senses is futile, unless we recognize that those "senses" have new meaning. We cannot look back and judge by our old values or by outmoded standards. Those values and those standards have changed. They are changing, and they will continue

to change. We cannot stop dreaming, yet we cannot be content merely to continue dreaming the American Dream, and hoping that it will miraculously be realized.

If we are to keep step with the distant drummer of the future, we must never lose sight of the fact that new times demand new and fresh ideas, leadership, courage and action.

While we dream of and labor for that tomorrow, which has been always our common desire as a nation and as a people, we must live in the midst of yesterday's mistakes. If we have turned the corner on violence and dissention, the turning has brought us face to face with new meaningful problems, as well as an abundance of unsolved ones from our past. The challenges before us are many, but they are capable of solution. When we speak of challenges, we must think of the continuing need for quality education for all at every level.

We must think of the continuing grave need for immediate action if we are to solve the problems of the environment and the supplying of life-giving water. We must think of the need for understanding among our people. We must think of insuring equal opportunities for all our citizens regardless of age, color, or religion. We must be sure that they have an opportunity to earn their daily bread, to have decent shelter, and to have a comfortable place in our society. We must remember that we are a state and a nation built of diversity. And we must think of finally dealing humanly and positively with the plight of those in our society who are less fortunate.

Those who endure the indignities of poverty do not do so by choice. Those who are compelled by circumstance or tradition to be poor, deserve the opportunity to better their lives in this, the wealthiest nation on earth. Those compelled to live in the physical slums of our cities or the mental slums of our society, deserve the same atmosphere and opportunity afforded the majority of our citizens. Their children deserve an environment in which they may enjoy natural childhood fantasies and in which they may learn to become full, productive members of our society.

Those who are fortunate enough not to be poor, fortunate enough not to be relegated to slums, should strive to end the blight and the dangers that poverty has come to represent in many minds.

The poor, indeed, deserve the chance not to be poor. And we must commit ourselves to insuring that the chance is theirs. The thing most wrong with America is the attitude of some that it cannot be made better. The man who says America is perfect, is blind to reality. The man who says that Americans must sacrifice their liberties to preserve America, does not love freedom. The man who says America must be destroyed to be saved, is mistaken. The ideals that are America, can be lost as easily by those who take this country for granted as by those who seek to destroy it. I, for one, reject the concept that America is not worth saving or changing. But the saving and the changing can only come with genuine desire, hard work, dedication, and a strong abiding faith in our fellowmen.

If we are, indeed, entering a new era, it must be a time in which we are totally honest with ourselves. It must be a time in which we are totally honest with the young people for whom the mantle of leadership



is waiting. The concept that all growth is automatic progress should be cast out.

Sheer numbers of people and gigantic paychecks, allowing two or more cars per family and color televisions in every room, will not make this nation greater. Materialism must be rejected in favor of human compassion and dignity. The responsibilities to our state in keeping its air clean, its rivers and lakes clear, and its people healthy, must be accepted.

In our haste to right the wrongs and correct the errors, we must not trample business, professional, industrial or personal enterprise. The indiscretions against nature and man did not occur overnight, and they cannot be cured instantly. Yet, we must insure that the healing comes as quickly as human energy permits. Americans are not a people who can walk too long in the valley of the shadow, and it is my firm belief that we are emerging from that valley.

In the first half of the 1960's we looked at extremism on the right and it was rejected and in the last half of the 1960's we looked at extremism on the left, and its rejection is becoming more evident daily. Order, rather than disorder, provides more surely guarantee for equal justice for all. I shall never tolerate lawbreaking and strident disorder, for whatever purpose, so long as it is my privilege to serve with the people as Governor of Texas. Texas has been a very fortunate state, because of the character of its citizens. We have not been treated to the sorry spectacle of campus riots, burning buildings, and bombings on any broad scale.

For this, we are grateful. For this, we must continue to strive and work. To achieve this, we must put an end to injustice wherever it is found. The future belongs to us and we must strive to be worthy of it.

Again, quoting Abraham Lincoln: "Trusting in God who can go with me, and remains with you, and be everywhere for good, let us confidently hope that all will yet be well . . ."

At the conclusion of the Governor's address, Speaker Mutscher stated that the Benediction would now be offered by Dr. Robert S. Tate, Jr., Minister of the First United Methodist Church of Austin, Texas.

The Benediction was offered by Dr. Tate.

Speaker Mutscher then announced that the Texas Technological University Band would play the State Song, "Texas, Our Texas."

#### ADJOURNMENT

Senator Jack Hightower, President Pro Tempore of the Senate, stated that the purpose for which this Joint Session was convened had been completed and the Senate would stand adjourned until 11:00 a.m. tomorrow, according to a motion previously adopted.

Speaker Mutscher stated that the purpose for which this Joint Session was convened had been completed and the House would stand adjourned until 10:00 a.m. tomorrow, according to a motion previously adopted.

The House accordingly, at 12:35 p.m. adjourned until 10:00 a.m. tomorrow.

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APPENDIX

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STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Temporary Committee on Rules: HSR 9.

Temporary Committee on Engrossed and Enrolled Bills: Correctly engrossed—HCR 4, HCR 8, HCR 9. Correctly enrolled—HCR 1, HCR 2, HCR 3, HCR 4, HCR 8.

SENT TO THE GOVERNOR  
January 18, 1971

HCR 1

HCR 2

HCR 3

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SIXTH DAY—WEDNESDAY, JANUARY 20, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Caldwell	Finck	Hilliard
Adams	Calhoun	Finnell	Holmes, T.
Agnich	Carrillo	Finney	Holmes, Z.
Allen, Joe	Cates	Floyd	Howard
Allen, John	Cavness	Foreman	Hubenak
Allred	Christian	Gammage	Hull
Angly	Clark	Garcia	Ingram
Atwell	Clayton	Golman	Johnson
Baker	Coats	Grant	Jones, D.
Bass, B.	Cole	Graves	Jones, E.
Bass, T.	Craddick	Hale	Jones, G.
Beckham	Cruz	Hanna, Joe	Jungmichel
Bigham	Daniel	Hannah, John	Kaster
Blanton	Davis, D.	Harding	Kilpatrick
Blythe	Davis, H.	Harris	Kost
Bowers	Denton	Hawkins	Kubiak
Boyle	Doran	Hawn	Lee
Braecklein	Doyle	Haynes	Lemmon
Braun	Dramberger	Head	Lewis
Burgess	Earthman	Heatly	Lombardino
Bynum	Farenthold	Hendricks	Longoria